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10/645,849	08/22/2003	Youichi Yamada	031050	8142
23850 7590 06/15/2009 KRATZ, QUINTOS & HANSON, LLP 1420 K Street, N.W. Suite 400 WASHINGTON, DC 20005				
EXAMINER				
DANIELSEN, NATHAN ANDREW				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/645,849

Applicant(s)

YAMADA ET AL.

Examiner

Nathan Danielsen

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21, 23-29 and 59 is/are pending in the application.
- 4a) Of the above claim(s) 2, 4, 6, 8, 10, 12-15, 17, 18, 20, 21 and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5, 7, 9, 11, 16, 19, 24-29 and 59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsman's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-21, 23-29, and 59 are pending. Claims 2, 4, 6, 8, 10, 12-15, 17, 18, 20, 21, and 23 are withdrawn pursuant to applicant's election filed 20 November 2006. Claim 22 has been canceled and claim 59 has been added in applicant's amendment filed 19 March 2009.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 29 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 29 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01.

The omitted elements are: "the information processing unit according to claim 22". Additionally, this limitation lacks antecedent basis since claim 22 has been canceled.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 3, 5, 7, 9, 16, 19, 24-29, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu, in view of applicant's admitted prior art (hereinafter the AAPA), and further in view of Inoue (US Patent 5,901,119; hereinafter Inoue '119) and Inoue et al (US Patent Application Publication 2001/0017821; hereinafter Inoue '821)

Regarding claims 1 and 24, Liu discloses an information processing unit (and associated information processing method including providing the following structure) comprising:

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a reading section for reading information recorded in a recording medium (col. 2, line 55 through col. 3, line 8);

an information processing section that conducts a reproduction-processing of the information read by the reading section (col. 3, lines 9-41);

a reproducing-condition changing section that is adapted to detect a rotating operation and a touching operation including a pressing operation (col. 3, lines 9-41; where a pressing operation is an inherent part of a touching operation); and

a processing control section that:

when the change in the processing position is not selected by the reproducing-condition changing section change condition selecting section (inherent in Liu as Liu does not disclose the structure or functionality of "cuing" operation), stops the reproduction-processing by the information processing section on detecting the touching operation by the reproducing-condition changing section (col. 3, lines 9-41), and

executes the reproduction-processing by the information processing section in accordance with the rotating operation on detecting the rotating operation by the reproducing-condition changing section (col. 3, lines 9-41; where the apparatus of Liu stops a normal-speed reproducing when it initiates a reproduction at a speed corresponding to the rotational rate of turntable control element 6).

However, Liu fails to disclose where the information processing unit comprises:

a change condition selecting section that selects change in a processing position of the reproduction-processing; and

a processing control section that, when the change in the processing position is selected by the change condition selecting section, changes start position of the reproduction-processing on detecting the touching operation by the reproducing-condition changing section, wherein the reproducing-condition changing section is independent of the change condition selecting section.

In the same field of endeavor, the AAPA discloses where the information processing unit comprises:

- a change condition selecting section that selects change in a processing position of the reproduction-processing (page 1, lines 25-29); and
- a processing control section that, when the change in the processing position is selected by the change condition selecting section, changes start position of the reproduction-processing on detecting a touching operation by the reproducing-condition changing section (page 1, lines 25-29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the apparatus of Liu with that of the AAPA, for the purpose of replaying a phrase or jumping to a predetermined position, at the desire of a user, while reproducing music data (page 1, line 20 through page 2, line 3). However, Liu in view of AAPA fails to disclose where the touching/pressing operation is on the same element as the rotating operation and fails to explicitly and clearly disclose where the reproducing-condition changing section is independent of the change condition selecting section.

In the same field of endeavor, Inoue '119 discloses the concept of using a single element capable of detecting both a pressing operation and a rotating operation, where the function of the pressing operation is different based on a selected mode of operation of the apparatus to which the single element is electrically connected (col. 5, lines 7-20 and 28-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the apparatus of Liu and AAPA with the structure/functionality of Inoue '119, for the well-known purpose of reducing the cost and size of an apparatus by reducing the number of user-operated input elements needed to control an apparatus (implied at least by the use of the jog dial for character input in col. 5). However, Liu in view of AAPR and Inoue '119 also fail to disclose where the reproducing-condition changing section is independent of the change condition selecting section.

In the same field of endeavor, Inoue '821 discloses where the reproducing-condition changing section is independent of the change condition selecting section (§s 34-36; where the jog dial 83 is used to perform various functions depending on which of the separately-provided keys have been pressed).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the apparatus of Liu, as modified by the AAPA and Inoue '119, with that of Inoue '821, for the purpose of controlling, setting, and resetting the variables associated with a scratching operation in a DJ scratch apparatus (§s 34-36).

Regarding claim 3, Liu, in view of the AAPA, Inoue '119, and Inoue '821, discloses everything claimed, as applied to claim 1. However, Liu fails to disclose the details of the information processing unit pertaining to a cue-point.

In the same field of endeavor, the AAPA discloses where the information processing unit further comprises:

a positional instruction recognizing section for recognizing a predetermined position of the information as a cue-point (inherent in page 1, line 25 through page 2, line 15), wherein the processing control section changes the start position of the reproduction-processing of the information processing section to the cue-point (inherent in page 1, line 25 through page 2, line 15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the apparatus of Liu with that of the AAPA, for the purpose of replaying a phrase or jumping to a predetermined position, at the desire of a user, while reproducing music data (page 1, line 20 through page 2, line 3).

Regarding claim 5, Liu, in view of the AAPA, Inoue '119, and Inoue '821, discloses everything claimed, as applied to claim 3. Additionally, Liu discloses where:

the information recorded in the recording medium includes data and positional information concerning a position of the data (inherent in the CD of Liu so that data can be reproduced), and

the information processing unit comprises a position recording section that records information preceding and following a reproducing point (col. 3, lines 25-41).

However, Liu fails to disclose the remaining details of the position recording section.

In the same field of endeavor, the AAPA discloses where:

the information processing unit comprises a position recording section that, when an instruction for the cue-point is recognized by the positional instruction recognizing section, records the cue-point and information preceding and following the cue-point (page 1, lines 25-29; where the information preceding and following the cue-point would, in the combination of the apparatus of Liu with the cue button of the AAPA, be necessary for the operation of the turntable control element of Liu), and

the processing control section changes the start position of the reproduction-processing of the information processing section to the cue-point according to the positional information recorded in the position recording section (page 1, lines 25-29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the apparatus of Liu with that of the AAPA, for the purpose of replaying a phrase or jumping to a predetermined position, at the desire of a user, while reproducing music data (page 1, line 20 through page 2, line 3).

Regarding claim 7, Liu, in view of the AAPA, Inoue '119, and Inoue '821, discloses everything claimed, as applied to claim 5. However, Liu fails to disclose the specific functionality of the processing control section.

In the same field of endeavor, the AAPA discloses where the processing control section makes, when the start position of the reproduction-processing of the information processing section is changed to the cue-point, the information processing section processes the data provided in the information recorded in the position recording section (page 1, lines 25-29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the apparatus of Liu with that of the AAPA, for the purpose of replaying a

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phrase or jumping to a predetermined position, at the desire of a user, while reproducing music data (page 1, line 20 through page 2, line 3).

Regarding claim 9, Liu, in view of the AAPA, Inoue '119, and Inoue '821, discloses everything claimed, as applied to claim 1. However, Liu fails to disclose the details of the processing control section.

In the same field of endeavor, the AAPA discloses where the processing control section makes the information processing section change the start position of the reproduction-processing to the a cue-point when the reproducing-condition changing section detects the pressing operation or the touching operation (page 1, lines 25-29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the apparatus of Liu with that of the AAPA, for the purpose of replaying a phrase or jumping to a predetermined position, at the desire of a user, while reproducing music data (page 1, line 20 through page 2, line 3).

Regarding claim 16, Liu, in view of the AAPA, Inoue '119, and Inoue '821, discloses everything claimed, as applied to claim 1. Additionally, Liu discloses where the processing control section moves the start position of the reproduction-processing of the information processing unit forward or backward according to the rotating direction of the rotating operation detected by the reproducing-condition changing section (col. 3, lines 25-41).

Regarding claim 19, Liu, in view of the AAPA, Inoue '119, and Inoue '821, discloses everything claimed, as applied to claim 1. Additionally, Liu discloses where the information processing unit further comprises:

a read control section that controls operations of the reading section (col. 2, line 55 through col. 3, line 8),

wherein the read control section, when the start position of the reproduction-processing of the information processing section is changed by the processing control section, makes the reading section read information near the changed processing position (col. 2, line 55 through col. 3, line 41).

Regarding claim 25, Liu, in view of the AAPA, Inoue '119, and Inoue '821, discloses everything claimed, as applied to claim 24. Additionally, Liu discloses an information processing program stored in a computer-readable recording medium, the program making a computer execute the information processing method according to claim 24 (inherent in col. 2, line 55 through col. 3, line 8).

Regarding claim 26, Liu, in view of the AAPA, Inoue '119, and Inoue '821, discloses everything claimed, as applied to claim 25. Additionally, Liu discloses a recording medium that stores the information processing program therein, wherein the information processing program according to claim 25 is recorded so that the program can be read out by the computer (inherent in col. 2, line 55 through col. 3, line 8).

Regarding claim 27, Liu, in view of the AAPA, Inoue '119, and Inoue '821, discloses everything claimed, as applied to claim 1. Additionally, Liu discloses a reproducing unit comprising:

the information processing unit according to claim 1; and
a reproducing section that fetches the reproduction-processed information and reproduces the information reproduction-processed by the information processing unit as sound or image (col. 2, line 49 through col. 3, line 8).

Regarding claims 28 and 29, Liu, in view of the AAPA, Inoue '119, and Inoue '821, discloses everything claimed, as applied to claim 27, as well as to claim 22 as found in the Office action mailed 19 December 2008, respectively. Additionally, Liu discloses where:

the information processing section conducts reproduction processing on music data recorded in a recording medium (col. 2, line 55 through col. 3, line 8);
the reproducing-condition changing section has a rotating body provided in a rotatable manner, the reproducing-condition changing section changing a reproducing speed of the reproduction-processing of the information processing section by a rotating operation on the rotating body and stopping the reproduction-processing of the information-processing unit by a pressing operation or a touching operation on the rotating body (col. 3, lines 9-41);

further changes the processing position by the information processing section forward or backward in response to the rotating operation detected by the reproducing-condition changing section (col. 3, lines 9-41); and
the reproducing section outputs the information processed by the information processing section as sound (col. 3, lines 9-41).

However, Liu fails to disclose where the processing control section changes a processing position of the information processing section to a previously stored position in response to the pressing operation or the touching operation detected by the reproducing-condition changing section.

In the same field of endeavor, the AAPA discloses where the processing control section changes a processing position of the information processing section to a previously stored position in response to the pressing operation or the touching operation detected by the reproducing-condition changing section (page 1, lines 25-29).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the apparatus of Liu with that of the AAPA, for the purpose of replaying a phrase or jumping to a predetermined position, at the desire of a user, while reproducing music data (page 1, line 20 through page 2, line 3). However, the AAPA fails to disclose where the touching/pressing operation is on the same element as the rotating operation.

In the same field of endeavor, Inoue '119 discloses the concept of using a single element capable of detecting both a pressing operation and a rotating operation, where the function of the pressing operation is different based on a selected mode of operation of the apparatus to which the single element is electrically connected (col. 5, lines 7-20 and 28-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the apparatus of Liu with the structure/functionality of Inoue '119, for the well-known purpose of reducing the cost and size of an apparatus by reducing the number of user-operated input elements needed to control an apparatus (implied at least by the use of the jog dial for character input in col. 5).

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Regarding claim 59, Liu, in view of the AAPA, Inoue '119, and Inoue '821, discloses everything claimed, as applied to claim 1. However, Liu, in view of the AAPA and Inoue '119, fails to disclose where operating portions of the change condition selecting section and the reproducing-condition changing section are adjacently provided on an operating panel.

In the same field of endeavor, Inoue '821 discloses where operating portions of the change condition selecting section and the reproducing-condition changing section are adjacently provided on an operating panel (elements 82, 83, and 103 are all provided separately in figure 4).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the apparatus of Liu, as modified by the AAPA and Inoue '119, with that of Inoue '821, for the purpose of controlling, setting, and resetting the variables associated with a scratching operation in a DJ scratch apparatus (§§s 34-36).

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liu, in view of the AAPA, Inoue '119, and Inoue '821, and further in view of Marshak (US Patent 4,524,452).

Regarding claim 11, Liu, in view of the AAPA, Inoue '119, and Inoue '821, discloses everything claimed, as applied to claim 9. However, Liu, in view of the AAPA, Inoue '119, and Inoue '821, fail to disclose where the reproducing-condition changing section is divided into a plurality of blocks, and the details thereof.

In the same field of endeavor, Marshak discloses where:

the reproducing-condition changing section is divided into a plurality of blocks (col. 2, lines 25-45 and figure 1), and

the processing control section, when the reproducing-condition changing section detects the pressing operation or the touching operation on a specific block, changes the start position of the reproduction-processing of the information processing section based on the cue-point corresponding to the specific block (col. 2, lines 25-45 and figure 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the apparatus of Liu, as modified by the AAPA, Inoue '119, and Inoue '821,

with that of Marshak, for the purpose of enabling disc jockeys greater flexibility to mix audio signals from more than two sources simultaneously, and to change the character of the sound at will (col. col. 1, lines 13-21).

Response to Arguments

8. Applicant's arguments with respect to claims 1 and 24 have been considered but are moot in view of the new ground(s) of rejection.

Closing Remarks/Comments

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Danielsen whose telephone number is (571)272-4248. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:00 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A.L. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrea L Wellington/
Supervisory Patent Examiner, Art Unit
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/ND/
06/09/2009